

1st April 1955]

APPENDIX.

[Vide item IV (1) on page 34 supra.]

REPORT OF THE SELECT COMMITTEE ON THE
MADRAS CINEMAS (REGULATION) BILL, 1954
(L.A. BILL No. 52 OF 1954).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), has the honour to make the following report.

2. The Bill was published in the *Fort St. George Gazette* Extraordinary on the 6th December 1954.

3. The Committee was appointed on the 17th December 1954.

4. The Committee met in the Committee Room, Fort St. George, on the 12th February 1955 and in the Committee Room in the Legislators' Hostel (old), Government Estate, Mount Road, on the 19th and 20th February and the 10th and 22nd March 1955.

5. At its first meeting the Select Committee decided to receive representations from persons interested in the Bill. Accordingly at its meeting on the 19th and 20th February 1955, it heard oral representations of producers, distributors and other persons connected with the film industry, who appeared before it.

The producers and distributors gave differing opinions about the question of limiting the number of cinemas in a particular place. With regard to the showing of educational films, the witnesses particularly stressed that films specially intended for adult education should be in the regional languages. Again as regards the question whether they should be compelled to show the film, the majority opinion of the witnesses was that if the Legislature considers that such films should be exhibited, there would be no objection from the cinema proprietors so long as the length was reasonable. But some of the witnesses suggested that for such purposes they should not be asked to pay. In the course of questions put to them it was elicited that it was the cinema-goer who paid for the entire show.

6. The Committee has also read the various memoranda submitted to it.

7. The Select Committee has subjected the clauses of the Bill to a careful scrutiny and as a result of such scrutiny has made various important changes in them.

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Clause 5.

The Committee considers that in regard to the matters that are to be taken into account for the grant of licence, provisions corresponding to sections 47 (1) and 48 (a) of the Motor Vehicles Act, 1939, with necessary changes should be introduced in the Bill itself. The clause has been amended accordingly.

Sub-clause (4) of this clause provides that the Government may issue directions to licensees for the purpose of regulating the exhibition of any film, or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, or documentary films secure an adequate opportunity of being exhibited. The Committee considers that the Government should be empowered to approve such films for exhibition, irrespective of whether they were produced by the Films Division of the Government of India or by private agencies and has made necessary provisions in this behalf.

The Committee has also amended the proviso under this sub-clause to the effect that no direction shall require the licensee to exhibit any approved film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

Clause 6.

This clause refers to the suspension of exhibition of films in certain cases. The Select Committee considers that an order of suspension should be issued only after the person concerned is given a reasonable opportunity of showing cause against the proposed order. A proviso has also been added to the effect that where the Government or the District Collector proposing to issue the order are or is satisfied that owing to any emergency or for some other reason, to be recorded by them or by him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause, the person concerned need not be given an opportunity to show cause against the proposed order but that a copy of the reasons recorded by the Government or the District Collector for issuing the order should be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him. The Committee has accordingly amended this clause.

Sub-clause (3) provides that the order of suspension shall remain in force for a period of two months from the date of order. The Committee has reduced the period from two months to two weeks.

Clause 9.

The Committee considers that the rules made under this clause should come into force at once and should be placed before both the Houses of the Legislature for fifteen days, and be subject to such amendments as the Legislature might make during the period they were so placed. This clause has been amended accordingly.

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8. The Committee also decided that in framing the rules, the procedure should be simplified so that an applicant for a licence need not approach numerous authorities and be put to delay and expense.

9. The Select Committee has made other changes also but it is not considered necessary to refer to them. All the changes made by the Select Committee are indicated in the annexed Bill.

10. The Committee considers that the changes made by it in the Bill are not of such importance as to necessitate the republication of the Bill.

11. Dissenting minutes given by some members are appended.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
23rd March 1955.

C. SUBRAMANIAM,
Chairman.

ANNEXURE.

[Note.—The changes made are sidelined or underlined.]

L.A. BILL No. 52 of 1954.

A Bill to provide for the regulation of exhibitions by means of cinematographs in the State of Madras.

WHEREAS it is expedient to provide for the regulation of exhibitions by means of cinematographs in the State of Madras; BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Cinemas (Regulation) Act, 1955.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) “ cinematograph ” includes any apparatus for the representation of moving pictures or series of pictures;

(2) “ District Collector ” in relation to the presidency-town, means the Commissioner of Police, Madras;

(3) “ Government ” means the State Government;

(4) “ notification ” means a notification published in the *Fort St. George Gazette*.

(5) “ place ” includes a house, building, tent and any description of transport, whether by water, land or air;

(6) “ prescribed ” means prescribed by rules made under this Act.

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3. *Cinematograph exhibitions to be licensed.*—Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. *Licensing authority.*—The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Collector :

Provided that the Government may, by notification, constitute, for the whole or any part of the State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely :—

- (a) the interest of the public generally;
- (b) the status and previous experience of the applicant;
- (c) the suitability of the place where the cinematograph exhibitions are proposed to be given;
- (d) the adequacy of existing places for the exhibition of cinematograph films in the locality, the prices charged for such exhibitions and the likelihood of the alteration of those prices by the grant of a licence to the applicant;
- (e) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;
- (f) the possession by the applicant, of other places, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time;

and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibitions.

(2) The licensing authority shall not grant a licence unless it is satisfied that—

(a) the rules made under this Act have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be granted, to provide for the safety of the persons attending exhibitions therein.

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(3) The licensing authority may, after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences under this Act may be granted.

(4) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities; and every licensing authority shall give effect to such orders and directions.

(5) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. Where the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

(6) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

(7) Any person aggrieved by the decision of the licensing authority refusing to grant a licence under this Act or refusing to approve any transfer or assignment thereof, may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

6. Power of Government to issue directions.—The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, or such other films having special value to the public, as may have been approved by the Government in that behalf from time to time; and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted:

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

7. Power of Government or District Collector to suspend exhibition of films in certain cases.—(1) The Government in respect of the whole of the State or any part thereof, and the District Collector within his jurisdiction, may, if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film; and during such suspension, no

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person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him :

Provided that this sub-section shall not apply where the Government or the District Collector proposing to issue the order are or is satisfied that owing to any emergency or for some other reason, to be recorded by them or him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause :

Provided further that a copy of the reasons recorded by the Government or the District Collector for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government or the District Collector, as the case may be, shall be final.

(4) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks, from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit.

8. Penalties.—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

9. Power to revoke licence.—Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or section 8 of this Act, the licence may be revoked by the licensing authority.

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10. Power to make rules.—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the terms, conditions and restrictions, if any, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (7) of section 5 may be preferred, and the fees to be paid in respect of such appeal;

(d) the procedure for approval of films for the purposes of section 6.

(3) All rules made under this Act shall come into force on the date of notification and shall be laid for not less than fifteen days before both Houses of the State Legislature, as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment, as those Houses may make during the session in which they are laid.

11. Power to exempt.—The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose, any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

12. Repeal.—In relation to this State, the Cinematograph Act, 1918 (Central Act II of 1918), in so far as it has not been repealed by the Cinematograph Act, 1952 (Central Act XXXVII of 1952), is hereby repealed :

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under this Act.

GOVERNMENT ESTATE,

MOUNT ROAD, MADRAS,

T. HANUMANTHAPPA,

Joint Secretary to the State Legislature.

23rd March 1955.

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ANNEXURE.

DISSENTING MINUTES.

We have to submit the following minute of dissent from the majority view of the Select Committee on the Madras Cinemas (Regulation) Bill, 1954.

Cinemas are not only a popular means of entertainment but an important medium of education and propaganda to the people. This needs encouragement on all hands, particularly from the Government. This Bill, among other things, seeks to impose a certain amount of compulsion on the exhibitors of cinemas to exhibit certain categories of films approved by the Government and for a definite period in each show. The rates of such films also are charged from the exhibitors. This compulsion amounts to an admission that the categories of films which are sought to be shown for public interest are not capable of competing in the market. One of the two things must be done. If the Government want that such films should be charged then it should not be compulsory. If the Government want to make such films compulsory then there should be no charge and even if there is any charge it should be nominal.

It is the duty of the Government to produce proper films for education which will be an inducement even to private producers to copy and to compete. Hence our objection to compulsion stipulated in clause 6.

In clause 2 the definition of cinematograph should be modified so as to mean any apparatus for the representation of moving pictures or series of pictures or films made of nitro cellulose base.

In clause 5 the terms and conditions stipulated for the grant of licence are very wide and vague. They leave enormous scope for discretion and discrimination for the licensing authority. For instance, clause 5 (a) reads as "the interest of the public generally." This may mean anything. Similarly with regard to clause 5 (b) which reads "the status and previous experience of the applicant". This is unnecessary. No question of status should be raised inasmuch as a man is able to build a theatre or take a theatre on lease and run a business. That shows he is worth that much. There should not be any discrimination on the plea of status. Previous experience also is unwarranted. When a man enters a business he does so with all the risk involved in it. The licensee has no technical responsibility. His function mainly is managerial. There are qualified technical staff possessing separate licence so far as the operation of the show is concerned. It is not understandable why previous experience should be made a criterion for issuing the licence.

A large number of witnesses who appeared before the Select Committee narrated about the hardship experienced in getting licences and also in dealing with the licensing authorities. We cannot brush aside all those things as mere allegations from

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interested parties. The proposal for new restrictions as envisaged in section 5 will only create additional hardship for those who want to take licences. This will also mean that we do not listen to public opinion. Hence we are strongly of opinion that this will create further hardship for the persons taking licences. We should also take into consideration the difficulties brought to the notice of the Select Committee by the witnesses that a licensee has to approach several departments for several certificates before he could make an application for a licence. This process is very tedious and expensive. Hence we suggest that the procedure for issue of licence must be simplified and all powers vested in a single authority.

S. RAMALINGAM.

M. PALANIYANDY.

C. H. KANARAN.

P. JEEVANANDAM.

MADRAS,

24th March 1955.

PROCEEDINGS OF THE SELECT COMMITTEE ON THE
MADRAS CINEMAS (REGULATION) BILL, 1954 (L.A.
BILL No. 52 OF 1954).

(As approved by the Chairman.)

Saturday, the 12th February 1955.

The Select Committee met in the Committee Room, Fort St. George, at 3 p.m. on Saturday, the 12th February 1955. The following members were present :—

- 1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).
- 2 Sri K. RAJARAM NAIDU.
- 3 Sri O. VENKATASUBBA REDDI.
- 4 Sri P. M. MUNUSWAMY GOUNDER.
- 5 Sri A. SAMBASIVAM.
- 6 Sri K. P. KUTTIKRISHNAN NAIR.
- 7 Sri H. M. JAGANNATHAM.
- 8 Sri P. JEEVANANDAM.
- 9 Sri S. RAMALINGAM.
- 10 Sri C. H. KANARAN.
- 11 Sri M. PALANIYANDI.
- 12 Sri O. KORAN.
- 13 Sri T. SHANMUGAM.
- 14 Sri R. RANGASWAMY GOUNDER.
- 15 Sri K. R. SAMBANDAM.

The Advocate-General, the Joint Secretary to the State Legislature, the Secretary to Government, Home Department, and the Secretary to Government, Law Department, were also present.

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Sri S. Ramalingam wanted a copy of the existing rules to be supplied to the members of the Committee. The Advocate-General pointed out that the existing manual was not complete. The Chairman agreed to circulate the existing rules among the members.

Sri M. Palaniyandi stated that there was delay now in the grant of licences on account of elaborate procedure prescribed for granting licences. The exhibition of documentaries had been made compulsory for the grant of licences. All these things had to be looked into before the Bill could be discussed. For this purpose, it was necessary to take in evidence from those interested in this Bill.

The Committee decided to take in evidence on 19th February 1955 from those interested in the Bill. It also decided that those who proposed to tender evidence before it should send in their written memoranda before Thursday, the 17th February 1955.

The Select Committee then adjourned to meet again at 10 a.m. on the 19th February 1955 at the Committee Room in the Old Legislators' Hostel, Government Estate, Mount Road, to hear evidence.

Saturday, the 19th February 1955.

The Select Committee met in the Committee Room in the Legislators' Hostel (Old), Government Estate, Mount Road, Madras, at 10 a.m. on Saturday, the 19th February 1955. The following members were present:—

- 1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).
- 2 Sri K. RAJARAM.
- 3 Sri O. VENKATASUBBA REDDI.
- 4 Sri P. CHELLATHURAI.
- 5 Sri K. P. KUTTIKRISHNAN NAIR.
- 6 Sri S. RAMALINGAM.
- 7 Sri C. H. KANARAN.
- 8 Sri A. RATNAM.
- 9 Sri M. PALANIYANDI.
- 10 Sri O. KORAN.
- 11 Sri T. SHANMUGAM.
- 12 Sri R. RANGASWAMY.

The Advocate-General, the Joint Secretary to the Legislature, and the Secretary to Government in the Home Department were also present.

The Committee examined the following witnesses:—

- (1) Sri K. Viswanathan, Proprietor, Chitra Talkies (South Indian Film Chamber of Commerce).
- (2) Sri D. Ramanujam (South Indian Touring Cinema Owners' Association).

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(3) Sri A. Y. S. Parisutha Nadar and Sri V. Subramanya Ayyar (Tiruchirappalli-Tanjore Exhibitors' Association).

(4) Sri M. Varada Raja Pillai (Salem Film Exhibitors' Association).

(5) Sri M. Seshachalam (Film Distributors' and Exhibitors' Association, Vellore).

(6) Sri A. Parthasarathy (Madurai Film Distributors' and Exhibitors' Association).

(7) Sri S. S. Vasan (President, South Indian Film Chamber of Commerce and the South Indian Motion Picture Studio Association).

A summary of the evidence tendered by the witnesses is annexed.*

The examination of the witnesses had not concluded when the Committee adjourned to meet again at 10-30 a.m. on Sunday, the 20th February 1955.

Sunday, the 20th February 1955.

The Select Committee met in the Committee Room in the Legislators' Hostel, Government Estate, Mount Road, Madras, at 10-30 a.m. on Sunday, the 20th February 1955. The following members were present:—

- 1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).
- 2 Sri K. RAJARAM.
- 3 Sri P. M. MUNUSWAMY GOUNDER.
- 4 Sri P. CHELLATHURAI.
- 5 Sri K. P. KUTTIKRISHNAN NAIR.
- 6 Sri S. RAMALINGAM.
- 7 Sri C. H. KANARAN.
- 8 Sri A. RATNAM.
- 9 Sri M. PALANIYANDI.
- 10 Sri O. KORAN.
- 11 Sri R. RANGASWAMY.

The Advocate-General, the Joint Secretary to the Legislature, and the Secretary to Government in the Home Department were also present.

The Committee further examined the following witnesses:—

(1) Sri S. S. Vasan (President, South Indian Film Chamber of Commerce and the South Indian Motion Picture Studio Association).

(2) Sri K. Viswanathan, Proprietor, Chitra Talkies (South Indian Film Chamber of Commerce).

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(3) Sri D. Ramanujam (South Indian Touring Cinema Owners' Association).

(4) Sri V. Subramanya Ayyar (Tiruchirappalli-Tanjore Exhibitors' Association).

Sri M. Varadaraja Pillai (Salem Film Exhibitors' Association) and Sri A. Parthasarathy (Madurai Film Distributors and Exhibitors' Association) were also present.

A summary of the evidence tendered by the witnesses is annexed.*

Sri S. S. Vasan agreed to submit separate memoranda^a, one embodying his suggestions in respect of the present Bill and another in respect of other grievances.

The Committee adjourned *sine die*.

Thursday, the 10th March 1955.

The Select Committee met in the Committee Room in the Legislators' Hostel (old), Government Estate, Mount Road, Madras, at 3 p.m. on Thursday, the 10th March 1955. The following members were present:—

The Hon. Sri C. SUBRAMANIAM (*Chairman*).

Sri K. RAJARAM.

Sri A. K. MASILAMANI CHETTIAR.

Sri O. VENKATASUBBA REDDI.

Sri P. CHELLATHURAI.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri H. M. JAGANNATHAM.

Sri S. RAMALINGAM.

Sri C. H. KANARAN.

Sri A. RATNAM.

Sri M. PALANIYANDI.

Sri O. KORAN.

The Advocate-General was present.

The Joint Secretary to the Legislature, the Secretary to Government, Home Department and the Secretary to Government, Law Department, were also present.

The Committee considered the Bill clause by clause.

Preamble.

For the words 'Fifth Year', the words 'Sixth Year' were substituted.

The Preamble as amended was approved.

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Clause 1.

For the year '1954' occurring in sub-clause (1), the word '1955' was substituted.

The clause as amended was approved.

Clause 2.

The consideration of the question whether the words "and any description of transport" occurring in sub-clause (5) should be recast as "and transport of any description" was postponed.

Clause 3.

Sri S. Ramalingam suggested that cinematograph exhibitions given in schools or halls for occasional public use and exhibition of films not greater in width than 16 millimetres should be exempted from licence.

It was decided to consider this suggestion while considering clause 10.

The clause was approved.

Clause 4.

The clause was approved.

Clause 5.

The Advocate-General stated that the power of issue of licences for cinemas should be only under the rules but suggested the desirability of incorporating necessary provision in the Bill itself.

The suggestion was accepted and it was decided to put in provisions corresponding to sections 47 (1) and 48 (a) of the Motor Vehicles Act, 1939, with necessary changes and also to give powers to Government on the lines of section 43-A of that Act.

For the word 'officer' wherever it occurred in sub-clause (3), the word 'authority' was substituted.

The Chairman explained that the State Government should have the power to issue directions to licensees to exhibit scientific films, films of educational value and similar films and that the Government should take power to approve such films for exhibition, irrespective of whether they were produced by the Films Division of the Government of India or by private agencies.

The Committee agreed with the Chairman and decided to incorporate a provision vesting the power of approval in the State Government.

Sri C. H. Kanaran and Sri M. Palaniyandi suggested that films for exhibition should be given free of cost.

The suggestion was not accepted.

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The Committee also decided that the duration of compulsory exhibition of any approved film should not exceed one-fifth of the time taken for the show or the footage of the film should not exceed 2,000.

Sri C. H. Kanaran suggested that the compulsion to exhibit the approved films should be restricted to two days in a week.

The suggestion was not accepted.

Clause 6.

Sri S. Ramalingam suggested the deletion of this clause on the ground that all the films were to be certified by the Government and the Government would not certify objectionable films.

The Chairman stated that the clause was mainly intended to meet the contingency of a likelihood of a breach of the peace.

Sri S. Ramalingam suggested that the clause should be so amended as to provide for the Government or the Collector intimating to the owner or person in charge of a cinematograph the reasons for the suspension of the exhibition of the film and for giving him an opportunity to be heard and that, except when it was not practicable to give such an opportunity owing to any emergency the reasons for it should be recorded in writing an opportunity should be given to him as soon as possible thereafter.

The Committee agreed to the suggestion.

For the words 'two months' occurring in sub-clause (3), the words 'two weeks' were substituted.

Clause 7.

Sri M. Palaniyandi stated that a fine of one thousand rupees was too heavy and that it should be reduced.

The suggestion was not accepted.

The clause was approved.

Clause 8.

The clause was approved.

Clause 9.

The Committee decided to provide that the rules framed should be placed before both Houses of the Legislature for fifteen days and that the rules should be subject to such amendments as the Legislature might make during the period they were so placed.

Clause 10.

Sri S. Ramalingam reiterated the suggestion for exempting from licence cinematograph exhibitions given in schools or halls for occasional public use and exhibition of films not greater in width than 16 millimetres.

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The Chairman stated that power of exemption could be provided for in the rules.

The clause was approved.

Clause 11.

The clause was approved.

The Law Secretary was requested to amend the Bill in the light of the decisions taken at the meeting and to make the necessary consequential changes.

The Committee then adjourned to meet again at 3 p.m. on Tuesday, the 22nd March 1955, in the Committee Room in Government Estate.

Tuesday, the 22nd March 1955.

The Select Committee met in the Committee Room in the Legislators' Hostel (old), Government Estate, Mount Road, Madras, at 3 p.m. on Tuesday, the 22nd March 1955. The following members were present :—

The Hon. Sri C. SUBRAMANIAM (*Chairman*).

Sri K. RAJARAM.

Sri P. M. MUNUSWAMY GOUNDER.

Sri P. CHELLATHURAI.

Sri A. SAMBASIVAM.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri H. M. JAGANNATHAM.

Sri P. JEEVANANDAM.

Sri S. RAMALINGAM.

Sri C. H. KANARAN.

Sri M. PALANIANDI.

Sri O. KORAN.

The Advocate-General was present.

The Joint Secretary to the Legislature, the Secretary to Government, Law Department and the Joint Secretary to Government, Home Department, were also present.

The Committee considered the Bill as amended in the light of the decisions taken at the last meeting of the Committee held on 10th March 1955.

Clause 1.

The clause was approved.

Clause 2.

The question whether the words "and any description of transport" occurring in sub-clause (5) should be recast was considered and the Committee decided that the words might remain as they were.

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The clause was approved.

Clauses 3 and 4 were approved.

Clause 5.

Sri S. Ramalingam and Sri M. Palaniyandi stated that the wording contained in sub-clause 1 (a), (b) and (d) was vague and it should be made clear.

The Advocate-General pointed out that those words were used in the Motor Vehicles Act and clarification might be made in the rules.

Sri M. Palaniyandi enquired whether it was not possible to define the word 'film' under this clause. The Chairman stated that it was not necessary.

Sri S. Ramalingam suggested that the orders and directions of the Government under sub-clause (4) might be notified.

The Chairman stated that provision in that regard might be made in the rules.

The clause was approved.

Clause 6.

For the word 'sub-section' occurring in the proviso, the word 'section' was substituted.

Sri S. Ramalingam wanted that the films must first be approved by a Board and if the Board refused approval, there should be provision for appeal to the Government.

After some discussion on this point, the Committee agreed to incorporate a suitable provision under clause 10.

Sri M. Palaniyandi suggested that the word 'one-fifth' occurring in the proviso might be substituted by the word 'one-eighth'.

This was not agreed to.

The clause, as amended, was approved.

Clauses 7 to 9 were approved.

Clause 10.

The Committee agreed to add the following new item to sub-clause (2):—

"(d) the procedure for approval of films for the purposes of section 6."

For the words "All rules made under this section" occurring in sub-clause (3), the words "All rules made under this Act shall come into force on the date of notification and" were substituted.

The clause, as amended, was approved.

Clauses 11 and 12 were approved.

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It was agreed that in framing the rules, the procedure should be simplified so that the applicant for licence need not approach numerous authorities involving delay and expense.

The Committee decided that the Bill need not be republished and authorized the Chairman to sign the report. It also decided that dissenting minutes, if any, should be sent so as to be received in the Assembly Office before 10 a.m. on Thursday, the 24th March 1955.

The Committee then dispersed.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS.
23rd March 1955.

T. HANUMANTHAPPA,
Joint Secretary to the Legislature.

ANNEXURE I.

SRI K. VISWANATHAN.

Sri K. Viswanathan presented a petition and stated that the exhibitors had been hitherto compelled to screen approved films with a footage of 1,000 to 2,000, the charge of which varied from Rs. 5 to Rs. 150 a week according to the classification of theatres on the basis of their collections. If the approved films are not shown the licences are cancelled. The Commissioner of Police would be addressed by the Films Division of the Government of India for the cancellation of the licence, and he, in his discretionary powers would cancel it.

The exhibitors were giving their valuable time of nearly 20 minutes for every show for the approved film, which would work out to one hour daily. There was the depreciation of machinery and also the consumption of carbon and electricity. Under the Madras Shops and Establishments Act, the labourers had to work only for eight hours a day including the one hour taken for screening the approved film. In terms of money it came to roughly Rs. 10 a day, that is, Rs. 70 a week. In addition the exhibitors had to spend an equal sum of Rs. 70 for purchasing the approved film given by the Government of India. Thus in this transaction the exhibitors were losing Rs. 140 a week.

The exhibitors conceded that approved films had tremendous educational value. Some of them were really good but 90 per cent of them were not good. People were more interested in newsreels than in documentaries. The approved films were shown during the war for propaganda purposes under the Defence of India Act by the then imperialist Government. The same had been continued by our popular Government without any relaxation of the terms. It would have been a very magnanimous offer if the Government of India had given these films without charging any fee at all on the ground that they were intended for the educational

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and cultural advancement of our country and also for the purpose of giving publicity to the Five-Year Plan. On the other hand, they followed the same step as was followed during the war and made it a compulsory thing.

He said that the lower class people regarded the showing of approved films as one shown during the war for propaganda purposes and not as a picture of educative or cultural value. They did not settle themselves down in their seats till the feature film began. The Upper class people who had the privilege of reserving their seats, did not come at all during the time when the approved film was shown. Therefore, in order to assess the popularity of the approved film, the Government should ask the leading exhibitors in South India to show the approved film after the feature film and then take a census of how many people sat in the cinema to see such approved film. If fifty per cent of audience remained in the theatre to see the film by patiently waiting for ten minutes, then exhibitors would be ready to show such films. But, he thought it would be otherwise. In this connexion, he said that exhibitors were prepared to give free labour, their time and their theatre if the Government of India were magnanimous enough to give the film free. If they gave it free, then they could compel the exhibitors to show it. But if for some reason or other the exhibitors were not able to screen it for one week, the licence should not be cancelled on that score. Also when they failed to pay Rs. 40 or so for the film every week due to some unforeseen circumstances to the Films Division, they should not be penalized for that and the Commissioner of Police should not take action under the Revenue Recovery Act. People who had invested enormous sum of money running to crores of rupees, should not be singled out for punitive treatment. The Government should be magnanimous in this. So, even if they compelled the exhibitors to screen the approved films, it should not be a matter of cancellation of the licence or penalizing treatment. The cinema-going public were in a minority and, if the Government wanted to educate the people through the medium of documentaries, they could as well do it under their auspices by opening their own theatres and showing only the documentary films. The exhibitors were agitating for free films and free screening. The supply of free films was a matter for the Centre to consider because the Films Division was run by them. Therefore, the exhibitors would request this Government to recommend to the Ministry of Information and Broadcasting of the Government of India to give the approved films free.

He said that the Supreme Court Judgment was on the question of using compulsion on the footage of a film. Therefore, this question should be considered as an All-India issue and not a provincial issue. Though the State Government have got rule-making powers under the Cinematograph Act, he wanted them to be magnanimous in this matter and they should not make rules for the present but should wait till a decision was taken on All-India level.

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The Advocate-General then explaining the object of the Bill said that the screening of the approved film was only a small matter involved in it. In the 1952 Act the Central Government had taken powers only with regard to censorship of films and all other matters were left to the State Government. They had left the 1918 Act as it was and even clause 5 of the Bill was taken from that Act. Clause 5 gave no guidance as to what factors should be taken into account by the licensing authority when granting or refusing the licence.

The Chairman pointed out that clause 5 had to be properly framed and given a legal basis, and not left to the discretion of the officer concerned.

Replying to questions the witness stated as follows :—

(1) that there should be restriction on the number of cinemas in a place on the basis of population as it would be suicidal if there were too many theatres in a particular place and that purely in the interests of the trade concerned such a restriction should be there;

(2) that with regard to the question of basis of selection, the “ first come, first served ”, method was preferable to the method of advertising and selecting;

(3) that he had no definite view on the question of whether matters personal to the applicant, like financial status, antecedents, and previous experience in the field, should also be taken into consideration in the matter of issuing licences, but he felt that though a person might not have financial status he might have experience in the field. Therefore, a sort of premium should not be put on the financial status of a person and anybody could carry on the trade as it was a free trade;

(4) as regards giving away of theatre on lease whether it should be regarded as assignment or transfer, the witness said, he was against any restriction on the persons controlling cinema theatres;

(5) regarding allowing free trade, and giving monopoly to one to run so many cinemas and transferring them to other persons, the witness said he would like to have restrictions with regard to the number of cinemas in a particular place but he was against any restriction on the number of cinemas a particular person might run in different places.

SRI D. RAMANUJAM.

In reply to questions, the witness stated as follows :—

(1) There should be no restriction on the basis of population in the matter of both touring cinemas and permanent cinemas.

(2) That the method of “ first come, first served ” should be adopted for the purpose of issuing licence and that matters relating to financial status, antecedents and previous experience in the field need not be taken into consideration.

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(3) That as it was there was no restriction regarding the assignment of licences and the present arrangements should be continued.

(4) Monopoly should not be given to any particular individual. The Government should interfere only in so far as to restrict the number of cinemas in a particular place but, in all other matters, there should be no restriction.

SRI M. VARADARAJA PILLAI.

The witness said that there should be no restriction on the basis of population and the method of "first come, first served" should be adopted in the matter of issuing licences.

SRI SESHACHALAM.

The witness stated that cinema-owners wanted protection from cut-throat competition, and, therefore, there should be restriction on the basis of population. The method of "first come, first served" should not be adopted but selection should be made, as some persons might not have financial status but would be competent to run the theatre.

SRI A. Y. S. PARISUTHA NADAR.

The witness stated that there should not be any restriction on the number of permanent theatres but in the case of touring cinemas there should be restriction. The distinction had to be made between these two categories, because a permanent theatre would cost about Rs. 3 lakhs and a touring cinema would cost only Rs. 15,000 to Rs. 20,000.

SRI S. S. VASAN.

The witness said that he was the President of the South Indian Film Chamber of Commerce and the South Indian Motion Picture Studios Association. In film industry, there were four departments, viz., the studio, production, distribution and exhibition, and he was representing all the four departments which were interested in the Bill.

He said that in India there were only about $8\frac{1}{2}$ theatres for every million people whereas there were in England 147 theatres, in France 257 theatres, and in Mexico 77 theatres. The film industry was the second largest industry in the country so far as capital investment was concerned. He had no information at the moment about the amount of capital in the Indian Film Industry. But there should be no restriction in the number of cinema theatres.

Thereupon, the Chairman remarked that there seemed to be a certain amount of conflict between various interests connected with the film industry. The Producers and Distributors would like to have as many theatres as possible to run their films but the exhibitors would be losing when there were many theatres in a particular place.

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To a query from the witness as regards the policy of the Government in the matter, the Chairman stated that the resources in the country were limited and essential amenities had to be provided for the people. Therefore, they could not afford the resources of the country to be wasted by investing capital on uneconomic enterprises and on importing machinery from abroad which involved foreign exchange also.

The witness expressed that he was not against the above policy of the Government.

In replying to questions, the witness stated as follows :—

(1) The running of a theatre was a profitable business and therefore there was greater scope for many more theatres to be built. There should be no restriction even in the case of small towns where theatres could be built. The restriction should be on the ground of public safety and interest.

(2) It would be of some value to the cinema-goers if every feature film show included some newsreels or documentaries—leaving alone the question of payment—relating to the working of the National Extension Scheme and other schemes intended for the advancement of the people.

(3) He was not in favour of exhibiting newsreels and documentaries even though produced by private agencies, as time was involved in the matter.

(4) The private industry whose motive was profit only was prepared to give these films free along with the feature film at a later stage.

For the present, something might be collected either in the visible or in the invisible form. At present, there was no private producer engaged in producing documentary films. Even now some useful and desirable films were shown. But the element of compulsion was there. The film industry were not objecting to the showing of the films of educative and cultural value. People had come to realize the influence of the Press, Cinema and the Radio as media of mass communication. But there should not be any compulsion for showing such films and also no payment should be demanded as the public were not interested in documentary films alone.

The Chairman explained that the Government had to create some interest for documentary films. When there was a conflict between the national interest and the private interest, the national interest alone should prevail, and the days of domination by the private industry had gone. The Press were publishing the hand-outs issued by the Government. Even there it was the reader who was going to pay for it. So also in the case of the film industry, the cinema-going public would have ultimately to pay for it. The expenditure should not be met from general revenues of the State.

The witness said that private industry could produce documentary films, but it would take some time to materialise. There

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should be no compulsion in the matter of producing approved films and the Government should wait for some time. The witness then assured the Committee that if only the Government would bring forward a legislation for producing documentaries relating to events in the State, the private industry would welcome it.

Concluding the witness requested the Committee to wait for at least six months and not proceed with the Bill for the present.

ANNEXURE II.

SRI S. S. VASAN.

The witness pointed out that all approved films were not of educative value to the masses; some were for political and Governmental propaganda and further 95 per cent of them were not related to South Indian conditions. It was because there was a certain amount of compulsion, people saw these films and that too if they were exhibited either at the beginning or in the middle and never at the end.

Even assuming they were of educative value and useful to the people, the question was who was to bear the cost of screening them. As education was the responsibility of the State this cost should be borne by the State.

In reply to the Chairman's remarks made the previous day that this cost should not be met from the general revenue of the State, the witness said that while it was the duty of the State to run all educational institutions irrespective of the fact whether all children attended them or not, similarly it was also the duty of the State to bear the cost of these films which were of more educative value to larger number of people. In support of this statement, he said that except (i) very old people, (ii) young children and (iii) those who could not afford to spend for cinemas, all others attended the cinemas, even though occasionally. Thus, more people were benefited by cinemas than by all educational institutions put together.

To the argument that cinema-owners and exhibitors were not paying the cost of these films from out of their pockets and that it was met only from the collections from the public, he would say that the collections included entertainment tax which was one collected by them as agents for the Government, without any commission, and that the balance was for services rendered by them to the general public and therefore it was a question of payment from their own earnings.

He was of opinion that compulsion should not be there in any form; but if the State were to insist that these approved films should be exhibited, for the screening time permanently taken away, the State would pay compensation. In the alternative, it should be left to free enterprise.

To a question from the Chairman, he stated that the money paid by Tamilnad exhibitors for these documentary films would be about Rs. 2½ lakhs and that the number of permanent theatres and touring cinemas would be 300 and 100, respectively.

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Approved films were introduced during war-time to carry on propaganda for war purposes on the understanding that "the licensee shall, when and so often as the Government of Madras may prescribe, exhibit films provided by the Government on such terms as regards remuneration, as the State Government may determine". But actually no remuneration was paid.

In conclusion, the witness stressed two points regarding approved films :—

(1) if there was to be compulsion that these films should be exhibited, then the cinema-going public should be made to pay a quarter anna or half-an-anna more, in addition to the entertainment-tax;

(2) if there was to be no compulsion the Government of India should be asked to supply these films free of cost.

The witness stated that he would be submitting a detailed memorandum touching the various grievances of producers, exhibitors, distributors, etc., and requested that Government might consider them and take action in consultation with them. To create a good market for these films, a certain amount of compulsion was necessary. In that case, the general public should be asked to bear the cost.

The Chairman explained that Government could not afford to meet the cost of these films and therefore they will have to find additional resources.

In reply to a question the witness stated that production was more risky and distribution was less risky and everything depended on the circumstances, the nature of the picture, the response from the public, etc. The fact however remained that while more producers disappeared from the field, distributors stuck on.

To a question from Sri S. Ramalingam whether the witness had thought over his statement made during the previous day's discussion that all people should be given free licences and that no restriction was necessary, the witness said it was not their intention at all that the Government should restrict the growth of cinemas, and no protection was asked for; they wanted only some help from Government so far as the regulation of cinemas was concerned. The witness incidentally mentioned that though Tamil film industry was the second largest industry in India so far as languages were concerned, it had a market only in 10 districts.

Though there were a large number of theatres which meant huge investment, no machinery was idle and every permanent theatre was working and there was no locking up of capital. Ninety per cent of the films shown in India were produced here. India imported foreign films only to the extent of 10 per cent while the percentage was 60 to 70 in respect of other countries. He said that the manufacture of raw films was a highly technical job and that all machines connected with the production of films came from foreign countries. Research was being carried on in India, and the Central Government and the Mysore Government were doing

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their best to produce raw films. With the advent of colour films, the processing was more complicated and there was only one laboratory in Bombay engaged in this work.

The witness explained the difficulties experienced in getting a licence from the District Magistrate in respect of permanent theatres. He said that when the Cinematograph Act was first introduced, it was meant more as a safeguard since the films produced in those days were highly inflammable. This was not the case now. Still he wondered why the provisions of that Act should continue to remain in force.

SRI V. SUBRAMANIA AYYAR.

Explaining the difficulties in getting a licence, he said that theatre-owners had to get a number of certificates from various authorities resulting in very great delay and unnecessary duplication and overlapping of work. They had to get the following certificates :—

(1) A certificate for approval of the site from the Municipal or District Health Officer concerned;

(2) A certificate from the District Fire Officer regarding fire fighting appliances;

(3) A certificate from the Electrical Inspector regarding electrical installations;

(4) A certificate from the Public Works Department Engineer regarding the stability of the building;

(5) An installation Licence from the Local Body concerned under the Places of Public Resort Act.

After getting all these certificates, they had to send an application for a licence to the District Magistrate who would either personally make an inspection or deputise his subordinate officer. This procedure was repeated every year even for renewal of licences. Further, in the case of approved films a certificate from the Government of India, Films Division, was necessary in respect of deposit.

While the witness agreed that some sort of control was necessary, he emphasised that the procedure should be simplified and all these powers should be vested in one authority.

To a suggestion from Sri K. Rajaram whether the appointment of a Cinema Special Officer would not be desirable, to overcome all the difficulties, the Chairman stated that there could not be an all-round specialist; however, he said Government would have it properly examined as to how far the procedure could be simplified and grant of licence expedited; he also wanted the witnesses to put in their suggestions regarding the machinery to be entrusted with this work when Government would consult their own experts and come to a decision.

Dealing with Touring Cinemas, the witness brought to the notice of the Committee that originally there was a Government Order that unless there was material change, further approval was

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not necessary. But a recent order restricted the period only to six months with a condition that for renewal the Health Officer's approval was necessary. He wanted that the *status quo* should be restored. The witness also suggested that a touring cinema should be allowed to run till such time a permanent theatre was established in the place. This was so in view of the fact that the number of touring cinemas which was 700 at a time had now gradually dwindled to 100 mainly on account of the difficulties in getting licences.

While in respect of permanent theatres, the distance between the theatre and dwelling place was 20 feet, in the case of touring cinemas, it was 150 feet and the witness wanted that this should be reduced to 40 feet. The Chairman pointed out that as the materials used for the construction of touring cinemas were themselves inflammable and as the huts, and cheris surrounding the touring cinemas in rural parts were also made of inflammable materials, more precautions were necessary.

The witness stated that even in places where the Places of Public Resort Act did not apply, the provisions of this Act were being enforced by the authorities.

In conclusion, the witness wanted that if the touring cinema industry were to thrive, the existing procedure in the way of getting licences should be simplified.

SRI D. RAMANUJAM.

The witness stated that in 1945 the number of touring cinemas was 900, in 1948 it came down to 700, and to-day it had come down to 100. This was due not to any slump in the market, but was due to the difficulties in getting licences. He suggested that touring cinemas should be allowed on a semi-permanent basis till such time a permanent theatre was established in the locality. He was for free trade and had no objection to any number of cinemas being run in one and the same place.

The witness next pointed out that the licensing fee charged in respect of touring cinemas was very heavy when compared to that of permanent cinemas, and worked out to an increase of nearly 120 per cent. He wanted that this should be brought down.

The Chairman said that the difference was due to the fact that the overhead charges were heavy, in respect of permanent theatres while it was not so in the case of touring cinemas.

The witness claimed that if the object of the Government was to educate the masses, the touring cinemas could do much better work than permanent theatres.

The witness wanted that the representatives of the Film Industry should be consulted while framing the rules under this legislation.